

REMARKS

The examiner indicated in the Advisory Action that the outstanding §103(a) obviousness rejections have been maintained and that the proposed amendment after final rejection filed June 16, 2010, will not be entered because they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

Applicants request for reconsideration of the decision to not enter the proposed amendment for the reason that applicants have indeed narrowed the scope of the claims to be directed to treating a specific indication, diabetes type II. By narrowing the scope of the claims, applicants have materially reduced and simplified the issues for either an appeal or a request for pre-brief panel review. No new issues are raised by the proposed amendment and accordingly, it is requested that the examiner send out a further communication indicating that the proposed amendment will be entered for purposes of appeal or request for pre-brief panel review in order to provide applicants with an opportunity to proceed to appeal or to request panel review with claims of narrower scope that reduce or simplify the remaining issues.

Appln. No. 10/571,291
Amd. dated July 15, 2010
Reply to Office Action of June 28, 2010

Reconsideration and entry of the amendment after
final rejection filed June 16, 2010, are therefore
respectfully requested.

Respectfully submitted,

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